

Message Text

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ORIGIN NASA-02

INFO OCT-01 ARA-10 IO-13 ISO-00 ACDA-10 CIAE-00 DODE-00

PM-04 INR-07 L-03 NSAE-00 NSC-05 ERDA-07 OES-06

TRSE-00 OMB-01 SS-15 SSO-00 NSCE-00 INRE-00 /084 R

DRAFTED BY NASA/I/JVZIMMERMAN:TMG

APPROVED BY OES/APT/SA: DAVOGT

NASA/I/AWFRUTKIN (DRAFT)

L/OES:SBURTON

ARA/BR:RELTZ

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O P 122146Z MAY 76

FM SECSTATE WASHDC

TO AMEMBASSY BRASILIA IMMEDIATE

INFO USMISSION GENEVA PRIORITY

UNCLAS STATE 116864

GENEVA PASS STOWE USDEL LEGAL SUBCOMMITTEE, UNCOPUOS

E.O. 11652: N/A

TAGS: TSPA

SUBJECT: REMOTE SENSING AGREEMENT

REF: BRASILIA 4029

1. PROPOSED GOB REVISIONS TO NASA DRAFT OF LANDSAT STATION AGREEMENT (REFTEL) ARE ACCEPTABLE TO NASA AND DEPARTMENT WITH FOLLOWING CHANGES: -PARA 6(C) QUOTE THIS AGREEMENT ASSURES CNPQ/INPE ACCESS TO LANDSAT-1 AND/OR LANDSAT-2 WITHOUT CHARGE UNTIL 30 JUNE 1976. IT IS UNDERSTOOD, HOWEVER, THAT NASA WILL THEREAFTER, AFTER CONSULTATION WITH COBAE, INTRODUCE A COST SHARING ARRANGEMENT, SUCH AS A USERS' FEE, WHICH HAS BEEN GENERALLY ESTABLISHED FOR PARTICIPATING GROUND STATIONS. UNQUOTE.

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-PARA 6(F) QUOTE...CNPQ/INPE WILL THUS ENSURE UNRESTRICTED PUBLIC AVAILABILITY OF ALL EARTH RESOURCES SATELLITE DATA OF AREAS WITHIN RANGE OF THE BRAZILIAN GROUND STATION AT A FAIR AND REASONABLE CHARGE, AND WILL PROVIDE ON THE SAME BASIS AS NASA PROCESSED LANDSAT DATA REQUIRED BY PRINCIPAL INVESTIGATORS AS SELECTED UNDER THE NASA LANDSAT INVESTIGATIONS PROGRAM, AND WHOSE TEST SITES ARE IN RANGE OF BRAZIL'S GROUND STATION.UNQUOTE.

-PARA 6(G) DELETE FOLLOWING SENTENCE QUOTE NASA WILL USE ITS BEST EFFORTS TO NOTIFY CNPQ/INPE OF REQUESTS RECEIVED AT THE EROS DATA CENTER FOR DATA OF BRAZIL. UNQUOTE

2. COMPLETE TEXT OF NASA/DEPARTMENT-APPROVED AGREEMENT BEING SENT SEPTEL.

3. NOTE SHOULD INCLUDE FOLLOWING POINTS WHICH SHOULD RESOLVE REMAINING QUESTIONS (REFTEL) AND AVOID FUTURE MISUNDERSTANDINGS:

-WITH REGARD TO PARA 6(C) (COST SHARING) IT IS UNDERSTOOD THAT NASA HAS ALREADY CONSULTED WITH COBAE REGARDING NASA'S LANDSAT COST SHARING ARRANGEMENTS. A LANDSAT USERS' FEE IN THE AMOUNT OF 200,000 DOLLARS PER STATION PER YEAR WILL BE EFFECTIVE 1 JULY 1976. 50,000 DOLLAR PAYMENTS TO NASA WILL BE MADE QUARTERLY AT THE END OF EACH QUARTER WITH THE FIRST PAYMENT DUE 30 SEPTEMBER 1976. HOWEVER, BECAUSE OF BRAZILIAN BUDGETARY CONSIDERATIONS, NASA AGREES TO DEFER REPEAT DEFER THE FIRST QUARTERLY PAYMENT UNTIL THE END OF THE SECOND QUARTER. CNPQ/INPE WILL THEREFORE MAKE A COMBINED FIRST AND SECOND QUARTER PAYMENT TO NASA OF 100,000 BY 31 DECEMBER 1976.

-PER EARLIER EMBASSY REPRESENTATION TO SOARES, PARA 6(F) IS UNDERSTOOD TO APPLY IN THE FOLLOWING MANNER:

(A) IF A BRAZILIAN AGENCY RECEIVES A REQUEST FROM ANY SOURCE FOR LANDSAT DATA OF BRAZILIAN TERRITORY, INPE WILL PROVIDE, OR OBTAIN AT ITS STATION AND PROVIDE, SUCH DATA IN THE APPROPRIATE USABLE FORM PROMPTLY AND ON REASONABLE UNCLASSIFIED

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TERMS.

(B) IF A BRAZILIAN AGENCY RECEIVES A REQUEST FROM AN AGENCY OR NATIONAL OF ANOTHER COUNTRY WITHIN RANGE OF THE CUIABA STATION FOR DATA OF THAT COUNTRY, INPE WILL PROVIDE OR OBTAIN AT ITS STATION AND PROVIDE, SUCH DATA, IN THE APPROPRIATE USABLE FORM, PROMPTLY AND ON REASONABLE TERMS DIRECTLY TO THAT AGENCY OR NATIONAL.

(C) IF A BRAZILIAN AGENCY RECEIVES A REQUEST FROM ANY SOURCE FOR DATA OF A COUNTRY WITHIN THE RANGE OF THE BRAZILIAN STATION AND THAT DATA IS FOR A TERRITORY OTHER THAN BRAZIL OR THAT OF THE REQUESTOR, INPE WILL PROVIDE, OR OBTAIN FROM ITS STATION AND PROVIDE, THAT DATA IN THE APPROPRIATE USABLE FORM PROMPTLY AND ON REASONABLE TERMS DIRECTLY TO THE REQUESTOR.

-PARA 6 (F) IS FURTHER UNDERSTOOD TO MEAN THAT CNPQ/INPE INTENDS TO MAINTAIN LANDSAT DATA SALES PRICES WHICH ARE ROUGHLY SIMILAR TO THOSE IN EFFECT AT THE EROS DATA CENTER AS THEY ARE REVISED FROM TIME TO TIME WITHIN THIS GENERAL GUIDELINE, NASA ENCOURAGES SOME REASONABLE EXPERIMENTATION WITH PRICING IN LIGHT OF REGIONAL CONDITIONS.

4. IN DISCUSSING WITH GOB THE NASA/DEPARTMENT CHANGES TO PARA 6(F), EMBOFFS MAY WISH TO NOTE THAT IN NASA'S VIEW QUOTE FAIR AND REASONABLE CHARGE UNQUOTE PHRASE GIVES GOB GREATER PRICING FLEXIBILITY THAN DOES BRAZILIAN FORMULATION. REFERENCE TO EROS DATA CENTER PRICES CAN THEN BE HANDLED IN ACCOMPANYING NOTE. HOWEVER, IF GOB PREFERS, NASA PREPARED TO INCLUDE SPECIFIC REFERENCE TO EROS PRICES. RE CHANGE (SAME SENTENCE) TO QUOTE ON THE SAME BASIS AS NASA UNQUOTE, NASA DOES PLAN TO CHARGE INVESTIGATORS FOR DATA UNDER LANDSAT-C INVESTIGATIONS PROGRAM. HOWEVER, NO CHARGES BEING MADE FOR DATA SUPPLIED UNDER LANDSAT-2 PROGRAM WHICH IS NOT YET COMPLETED.

5. DELETION PARA 6(G) IS BECAUSE SUCH NOTIFICATION WOULD BE PROHIBITED BY US LEGISLATION ON PRIVACY. FROM TIME TO TIME, HOWEVER, NASA WOULD BE HAPPY TO PROVIDE CNPQ/INPE UNCLASSIFIED

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WITH INDICATION OF EXTENT AND CHARACTER OF REQUESTS TO SIOUX FALLS FOR DATA OF BRAZIL.

6. REQUEST EMBASSY DISCUSS GIST OF ITEMS FOR NOTE AND CHANGE TO MOU WITH GOB. EXACT WORDING OF NOTE AND MOU WILL BE FURNISHED SEPTTEL. KISSINGER

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Disposition Event:
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